White Spring Permit Renewal Protest Responses

	Document	Comment/Concern	Response
1	EA	Even though a thorough explanation of wildlife resources was presented to include full disclosure of all resources, soils and vegetation were not important enough to present even though soil and vegetation resources are the determining factors as to whether the permit is renewed.	A thorough explanation of wildlife resources is presented in the S&G to ensure full disclosure of all resources that needed analyzed. Furthermore, ecological site and soil descriptions were summarized in the S&G to adequately describe resource conditions. Description length does not correlate to greater emphasis within the analysis.
2	S&G	No key areas have been established, ecological sites were not mapped, condition of each ecological site was not determined. These items are critical if a determination is to be made if livestock grazing is going to continue. One rangeland health assessment was completed on the allotment and no mention is given as to the soil or ecological site. How the biotic condition of the site was determined is a mystery.	The assessment was done at one site that is representative of the allotment condition. Based on the presence of primary species associated with the ecological site, biotic integrity appears to be intact. The ecological sites present at the allotment are listed in Table 5 of the S&G, and maps of these ecological sites are available via the National Resource Conservation Service's Web Soil Survey reports at the following location: http://websoilsurvey.sc.egov.usda.gov The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations "provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist." As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards

			for Rangeland Health were being met.
3	Comment Responses	Response #18 from the "White Spring Permit Renewal EA Comment and Responses" documentation included with the Proposed Decision states that, "Frequency data may indicate changes in affected key plant species." I agree but no frequency data is presented and no key area or data from a key area is presented in the Standards and Guidelines document.	White Spring is a custodial allotment. Allotments designated as custodial are managed differently than standard BLM grazing allotments as per the guidance in the Safford District RMP Final EIS (1991) and the Upper Gila-San Simon Grazing Final EIS (1978). The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations “provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist.” As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.
4	Comment Responses	Response #15 from the "White Spring Permit Renewal EA Comment and Responses" documentation included with the Proposed Decision states that, "HCPC was identified as the desired plant community by an interdisciplinary team of Range Management Specialists and biologists." If no measurements were made of vegetation composition, ground cover, bare ground or other standard parameters, how was it determined that the area was in HCPC? The Responses also state, "In cases where the HCPC has transitioned to another state, in some situations return to that state may not be achievable or practical". If no measurements were made, how would BLM or anyone else	During the upland health evaluation, a determination of the relative composition of functional structure groups was determined to be within expectations. This, combined with the species present, provided an estimation that the allotment was within expectations for the site. If the relative composition of functional structure groups appear to be moving away from acceptable ranges for the ecological site, it may be determined that additional information would be needed to determine any potential management actions.

		know whether or not goals were being achieved?	
5	Comment Responses	Response #24 from the "White Spring Permit Renewal EA Comment and Responses" documentation included with the Proposed Decision states that, "Ecological sites were provided in the Standards and Guidelines evaluation and incorporated by reference into the analysis". No maps of ecological sites were provided in the analysis. No acreage of each ecological site was provided. Simply saying the allotment contains a number of ecological sites, with no data provided does not meet standards for a Standards and Guidelines determination.	The Standard and Guideline evaluation does not require mapping and analysis of each ecological site, particularly when the evaluation indicates that all standards are being met. The assessment was done at one site that is representative of the allotment condition. Based on the presence of primary species associated with the ecological site, biotic integrity appears to be intact. The ecological sites present at the allotment are listed in Table 5 of the S&G, and maps of these ecological sites are available via the National Resource Conservation Service's Web Soil Survey reports at the following location: http://websoilsurvey.sc.egov.usda.gov The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations "provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist." As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.
6	S&G	In conclusion, the Standards and Guidelines evaluation of White Spring permit renewal is inadequate for analysis as	White Spring is a custodial allotment. Allotments designated as custodial are managed differently than

		to whether or not livestock grazing should be continued on the allotment and therefore, the Environmental Analysis is similarly flawed. The Proposed Decision should be vacated and another Standards and Guidelines Evaluation using sound scientific principles should be issued.	standard BLM grazing allotments as per the guidance in the Safford District RMP Final EIS (1991) and the Upper Gila-San Simon Grazing Final EIS (1978). The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations "provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist." As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.
7	S&G	No frequency data, key area, or data from a key area is presented in the Standards and Guidelines document.	White Spring is a custodial allotment. Allotments designated as custodial are managed differently than standard BLM grazing allotments as per the guidance in the Safford District RMP Final EIS (1991) and the Upper Gila-San Simon Grazing Final EIS (1978). The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations "provide early warnings of potential problems and opportunities by

			helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist." As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.
8	S&G	If no measurements were made of vegetation composition, ground cover, bare ground or other parameters, how was it determined that the area was in HCPC.	During the upland health evaluation, a determination of the relative composition of functional structure groups was determined to be within expectations. This, combined with the species present, provided an estimation that the allotment was within expectations for the site.
9	S&G	Data must be provided to support the conclusion that that Standards and Guidelines are being met.	The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations "provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently exist." As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.
10	EA	The proposed decision fails to take a hard look at the impacts to a federally-designated floodplain. The most recent iteration of the EA identified impacts to ephemeral washes and floodplains as a key issue. The current EA deletes reference to this as an issue based on the rationale that further review by a AZ State Office hydrologist and the cursory statement in the EA "The proposed action would not alter the floodplain in the project area to limit	A hard look at potential impacts to floodplains was taken by three separate BLM hydrologists. Although initial scoping identified a potential issue related to permitted activities within the floodplain, the scope of the floodplain policy was better defined through hydrologist understanding to relate only to constructed infrastructure, which none of the alternatives consider. The final determination was that: "The proposed action would not alter the floodplain in the

		infiltration or water energy produced during flow events. Vegetation along stream banks and in the floodplain would provide stability appropriate to the system, given the topography, climate, hydrology, and soil characteristics inherent in the system." Final EA at 13.1 The question remains, How would BLM even know if this were true or not? The BLM admits in the earlier RHE that it did not take a hard look at the rangeland health conditions of Goodwin Wash because it didn't satisfy criteria for "Riparian Wetland Sites" as defined under the Arizona Standards and Guidelines. White Spring RHE at 16. However, the affected environment section of the EA should have included a discussion of livestock use and impacts in this major floodplain. It is not clear that the BLM has evaluated the land health of this ecosite, as none of the NRCS ecological sites include washes or bottoms. White Spring S&G at 17. As indicated in the draft White Springs EA, Executive Order 11988 requires that BLM avoid short- and longterm impacts to floodplains where practicable alternatives exist. EO 11988, Draft White Spring EA at 14. Goodwin Wash within the allotment is a FEMA designated floodplain, and the "No Grazing" alternative would increase or enhance floodplain function. White Spring Draft EA at 15. In contrast, the proposed action entails "grazing, trampling, trailing, and loafing of livestock in Goodwin Wash [which] would reduce vegetation within the floodplain." White Spring Draft EA at 15. Merely deleting the relevant sentences in the EA doesn't explain how the previously analyzed impacts suddenly disappear. Clearly, if the BLM considered but dismissed an additional alternative to eliminate livestock grazing in the Goodwin Wash between the two latest versions of the EA, there is still some discussion about the effects of grazing in the Wash. The reason for dismissing this alternative is not because livestock have not impact or	project area to limit water infiltration or water energy produced during flood flow events. Vegetation along stream banks and in the floodplain would provide stability appropriate to the system, given the topography, climate, hydrology, and soil characteristics inherent in the system. Livestock trailing in and around Goodwin Canyon Creek and Goodwin Wash could lead to localized areas of soil compaction along establish trails and near watering opportunities. However, coarse texture soil materials in and around the system would maintain a high floodplain infiltration rate and allow water to percolate through the soil. The proposed action would not alter the floodplain classification, nor would it change the risks associated with storm or flood flow events." Hydrologist Bill Wells was with the BLM Safford Field Office for approximately 6 months. Protests of the proposed decision for the White Spring permit renewal were received after Bill Wells left the BLM. In his absence, the BLM State Hydrologist provided input on the issues of floodplains and springs on the White Spring allotment. A brief explanation of the No Impact rationale was provided within the EA, while a more lengthy explanation was provided in the previous comment and response document.

		because it would not affect the floodplain; the BLM should have analyzed and discussed this alternative in detail to facilitate and understanding of compliance with the EO. Nothing about the removal of Goodwin Wash from the analysis suggests that BLM is being forthright in its analysis of potential livestock impacts to this federally-listed FEMA floodplain.	
11	EA	Hydrologist Bill Wells is listed as having been consulted on the earlier draft as well. Did he change his mind about the potential impacts of the proposed action on Goodwin Wash? Why? What new information was presented to him that changed the determination to "No Impact"? That information should have been included in the Final EA rather than simply deleting mention of this important resource. WWP protests this violation of NEPA.	Hydrologist Bill Wells was with the BLM Safford Field Office for approximately 6 months. Protests of the proposed decision for the White Spring permit renewal were received after Bill Wells' left the BLM. In his absence, the BLM State Hydrologist provided input on the issues of floodplains and springs on the White Spring allotment. A brief explanation of the No Impact rationale was provided within the EA, while a more lengthy explanation was provided in the previous comment and response document.
12	EA	The BLM is relying on the Safford District Resource Management Plan (1991) that adopted the grazing analysis of the Upper Gila-San Simon Grazing EIS of 1978. Thus, the BLM is tiering the White Spring proposed decision to an environmental impact statement both three decades out of date and at odds with the management proposed here. We protest this violation of NEPA.	The proposed action was identified as in conformance with the existing land use plan, which adopted the Upper Gila River EIS. Though the land use plan was completed in the dates referenced, the decisions are still applicable and further analysis necessary for site-specific analysis was completed in the EA.
13	EA	The Upper Gila-San Simon Grazing EIS estimates 156 AUM as the grazing carrying capacity on the White Spring allomen. EIS at A-21. The proposed decision authorizes 188 AUM. NOPD at 2. This exceeds the stocking rate established in the EIS and subsequent RMP without providing any evidence that a new analysis has been completed to support this increased level of use. The carrying capacity of the allotments in the Safford area were determined through ocular estimates between 1963 and 1976, or estimated based on range similarity for the 1978 EIS. EIS at 1-5. The failure to take a hard look now, in 2012, is	Standards and Guidelines Evaluation, section 3.1 Grazing History, page 4, outlines the changes in permitted numbers over time for the allotment and states: "On November 22, 1985, a proposed decision was sent out indicating that the adjustments to livestock numbers to that point in time were all that was necessary to bring grazing use in line with forage production. This set the livestock numbers at 17 cattle for a total of 188 AUM's." This proposed decision was not protested and became the final decision.

		compounded by the ~40 years that have elapsed since the agency last did so. We protest this violation of NEPA. The narrative explanation for the difference in the RMP-authorized numbers and the current proposed action based on the historical use/non-use of AUM is provided on page 5 of the RHE. However, the most recent Final Decision set the number at 142 AUM (in 1981) and the only subsequent change was a "proposed decision." The RHE does not discuss whether this proposed decision ever became final.	
14	S&G	The 1985 decision to permit 188 AUMS's is more than two decades out of date and the BLM does not have the utilization data to show that the carrying capacity estimates is still accurate.	The proposed action was identified as in conformance with the existing land use plan, which adopted the Upper Gila-San Simon Grazing EIS (1978). Though the land use plan was completed in the dates referenced, the decisions are still applicable and further analysis necessary for site-specific analysis was completed in the EA. White Spring is a custodial allotment. Allotments designated as custodial are managed differently than standard BLM grazing allotments as per the guidance in the Safford District RMP Final EIS (1991) and the Upper Gila-San Simon Grazing Final EIS (1978). The BLM uses the 17 indicators of rangeland health to evaluate land health conditions. The interrelated attributes of soil/site stability, hydrologic function, and biotic integrity were evaluated by an interdisciplinary team to determine if ecological processes related to those attributes are functioning within a normal range of variation. As described in Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, these evaluations "provide early warnings of potential problems and opportunities by helping land managers identify areas that are potentially at risk of degradation or where resource problems currently

			exist." As a result of the land health evaluation on this allotment and based on the indicators used in that assessment, it was determined that the Arizona Standards for Rangeland Health were being met.
15	EA	The permittee has taken non-use for the last twenty years. There is no demonstrable need for grazing livestock or retaining the permitted numbers on this allotment.	Under the Taylor Grazing Act, the Secretary of Interior in 1936 designated public lands in the Safford Grazing District for forage production and livestock use. This designation still applies, even if the permittee relinquishes their permit or the Bureau cancels it. If there are unresolvable conflicts with resources or other public land uses, the Bureau can under the Federal Lands Policy and Management Act, with a land use plan decision, change the designated primary use. Thus, absent the identification of unresolvable conflicts with resources and any consequent land use planning process, the existing need identified within the Taylor Grazing Act still applies.
16	EA	BLM's analysis of the "No Action" alternative is actually more aligned with the "No Grazing" alternative based on the last two decades, and the NEPA analysis is misleading, at best, for suggesting otherwise. We protest on this basis.	The EA analyzed the impacts of grazing, which has not occurred in the last 20 years, if the permit was renewed and grazing resumed on the allotment versus the impacts of no grazing on the allotment.
17	Proposed Decision	The proposed decision violates the Federal Lands Policy and Management Act (FLPMA). FLPMA declares that "public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use." 43 U.S.C. §1701(a)(8). FLPMA mandates that BLM "shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands." 43 U.S.C. §1732(b). BLM's duty to prevent unnecessary or undue	The proposed re-authorization of 188 AUMs on the White Spring allotment was evaluated and authorized in 1985. There is no evidence that the continuation of that decision would cause undue degradation, and the allotment is currently meeting land health standards.

		degradation under FLPMA is mandatory, and BLM must, at a minimum, demonstrate compliance with the degradation standard. See, e.g., Sierra Club v. Hodel, 848 F.2d 1068, 1075 (10th Cir. 1988). Here, by authorizing livestock grazing in excess of the estimated carrying capacity of the allotment and without having demonstrated that the lands are in either a static or upward trending condition, the BLM is failing to prevent unnecessary or undue degradation.	
18	S&G	The agency has failed to keep an inventory of range developments and disclose the locations and conditions of those developments to support the proposed decision. This defies NEPA and FLPMA requirements, and we protest on those grounds.	Map 1 in the EA depicts the allotment boundary fence. The only other range infrastructure on the allotment is a livestock water associated with the well at the northwest end of the allotment.